

ARTICLE 1159

Animals

- 1159.01 Purpose
- 1159.02 Definitions
- 1159.03 Limitation on Number of Animals
- 1159.04 Application for Permit – More Than Six (6) Animals
- 1159.05 Animal Control Officer; Powers and Duties; Issuance of Permit
- 1159.06 Nuisances
- 1159.07 Cattle, Sheep, Swine, Goats in City Prohibited
- 1159.08 Certain Animals and Fowl in Dwellings Prohibited
- 1159.09 Rabbits, Guinea Pigs and Fowl at Large
- 1159.10 Coops to be Kept Clean
- 1159.11 Distance of Coops from Occupied Dwellings; Distance of Animals from Food Stands
- 1159.12 Certain Animals or Fowl Kept for Sale
- 1159.13 Permit for Certain Animals or Fowl Required
- 1159.14 Petting Zoos
- 1159.15 Fees
- 1159.16 Penalty
- 1159.17 Additional Enforcement Remedies
- 1159.18 Severability

CROSS REFERENCES

Animals near dwellings - See 3rd Class §2308 (11) [53 P.S. §37308(11)]
Dogs - See GEN. OFF. Art. 709

1159.01 PURPOSE.

A. This chapter is enacted to regulate the maintenance, keeping or possession of animals within the City of Bethlehem in order to promote the health, safety and general welfare of its inhabitants.

B. Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this chapter shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this chapter, the provisions of such other statute, ordinance, regulation or resolution shall be controlling.

C. The City Council makes the following legislative findings, and finds that:

- (1.) Nuisances and conditions detrimental to the public health, safety and welfare have been created by the keeping of multiple animals on premises within the City;
- (2.) The nuisances and conditions detrimental to the public health, safety and welfare include, but are not limited to, accumulations of animal wastes, spread of infectious or contagious diseases or the danger thereof, insect infestation, smell and noise;
- (3.) Limiting the number of animals on premises within the City will alleviate, or at a minimum help alleviate these conditions;
- (4.) Limiting the number of animals to not more than six (6) and requiring the issuance of permits for additional animals exceeding six (6), will alleviate, or at a minimum help alleviate, these conditions;

1159.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

A. ANIMAL -- Construed in a broad sense to include not only mammals, but also birds, fish, reptiles and insects.

B. ANIMAL SHELTER -- The premises, any portion of which is utilized for the temporary harboring of lost, strayed, ill or injured animals,

subject to the numerical limitations of Section 1159.03. Temporary is defined to mean a period of time not exceeding six (6) months.

C. EXHIBITOR – As used in this Article, shall mean any person who by contract, agreement and/or ownership, takes responsibility for the operation of a petting zoo.

D. OFFICER -- Police officer and/or duly appointed Animal Control Officer or his/her designee.

E. PERSON -- Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

F. PETTING ZOO – As used in this Article, shall mean any enclosure, area, or other containment where an animal or animals are kept for the purpose of exhibition or education. This definition excludes those events where no physical contact will occur between the animals and the public, i.e. a procession or parade, or events such as a domesticated dog or cat exhibition.

1159.03 LIMITATION ON NUMBER OF ANIMALS.

Except for species of fish, it shall be unlawful to keep more than six (6) animals six (6) months of age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965 (3 P.S. § 460-208 et seq.), as the same may from time to time be supplemented or amended, nor shall this section apply if a permit has been issued and is in effect pursuant to Article 1159.04 of this ordinance.

1159.04 APPLICATION FOR PERMIT – MORE THAN SIX (6) ANIMALS.

A. The application for a permit for the keeping of more than six (6) animals shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- (1) The type and number of animals to be covered by the permit.
- (2) The purpose of keeping such animals.
- (3) The period for which the permit is requested.
- (4) A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate, and the facilities for sanitation and disposal of animal wastes.
- (5) The circumstances, if any, under which the animals will be removed from their quarters.
- (6) Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons in handling the animals in question and earlier charges and/or citations for violation of statutes and/or ordinances governing animals, and/or health and/or safety.
- (7) Such additional information as the Officer may require.

B. In addition to such verified information, the Animal Control Officer shall consider all other relevant conditions, including but not limited to:

- (1) The odor emanating or likely to emanate from the premises to persons off the premises.
- (2) The noise emanating or likely to emanate from the premises to persons off the premises.
- (3) The attitudes of the applicant's neighbors to the proposed permit.

(4) The security with which the pets or creatures will be restrained.

C. All such permits for the keeping of more than six (6) animals must be renewed annually upon resubmittal of an application of the type required in Article 1159.04-A.

1159.05 ANIMAL CONTROL OFFICER; POWERS AND DUTIES; ISSUANCE OF PERMIT.

A. The Mayor of the City of Bethlehem shall appoint an Animal Control Officer. In addition, the Mayor may from time to time designate a Temporary Animal Control Officer.

B. The Officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the Officer has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The Mayor or the Officer shall also have the power to revoke the permit for cause.

C. The Officer shall also have the power, with the consent of the City Council, to make such rules and regulations as he/she shall deem necessary to carry out the purposes of this chapter. The Animal Control Officer and/or Police Officers shall be responsible to determine whether any person is violating any provisions of this ordinance. In making such determinations as to whether to approve or reject an application for a permit or an application for renewal of a permit, the Animal Control Officer and/or Police Officers shall consider whether any one or more of the following approved standards are not complied with:

- (1) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- (2) The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.

- (3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear, or to be abused, tormented or annoyed.
- (4) The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
- (5) The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
- (6) Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
- (7) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Bethlehem and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.
- (8) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the Animal Control Officer or any Police Officer question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.
- (9) The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to permittee's obligation to comply with this chapter.

- (10) Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.

D. If the conditions presented by the application for a permit or for renewal of a permit constitute an actual or potential nuisance and/or a hazard and/or a danger to the public health, safety and welfare, the application for a permit or for renewal of a permit shall be denied.

E. The Animal Control Officer and police officers of the City of Bethlehem are authorized hereby to enter upon any premises within the City for the purpose of investigating a possible violation of this chapter. If access is denied by the property owner, the Animal Control Officer and/or Police Officers are authorized to submit an application for a search warrant to the appropriate judicial authority.

F. The holder of a permit issued pursuant to this ordinance shall have an ongoing duty to comply with the requirements of the approved standards set forth in Section 1159.05-C of this ordinance.

1159.06 NUISANCES.

A. When not confined to the owner's premises, all dogs must be under the physical control of their owner or custodian and physically restrained by a leash or other restraining device at all times.

B. No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow such animal to defecate on any sidewalk, play area, park or any place where people congregate or walk or on any public property whatsoever or on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curb lines in any common thoroughfare, passageway or bypath, which shall be used to curb such animal under the following conditions:

- (1) The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary and reasonable manner.

- (2) The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions hereof.

1159.07 CATTLE, SHEEP, SWINE, GOATS IN CITY
PROHIBITED.

No person shall keep or maintain any cattle, sheep, swine or goats within the City, except on farms and at such other places where animals are kept for slaughtering or for laboratory purposes which have been approved by the Bureau of Health. (1946 Code C. 3 § 1)

1159.08 CERTAIN ANIMALS AND FOWL IN DWELLINGS
PROHIBITED.

No pigeons, turkeys, chickens, ducks, geese or other poultry shall be kept or maintained in any dwelling, apartment, flat or tenement.

1159.09 RABBITS, GUINEA PIGS AND FOWL AT LARGE.

Rabbits, guinea pigs or fowl shall not be allowed to run at large, but shall be confined in a suitable building or coop with an enclosed and covered runway.

1159.10 COOPS TO BE KEPT CLEAN.

A building or coop in which animals are kept must be kept thoroughly clean at all times and shall be cleaned at least once every week and more often if the Bureau of Health so requires.

1159.11 DISTANCE OF COOPS FROM OCCUPIED
DWELLINGS; DISTANCE OF ANIMALS FROM
FOOD STANDS.

No part of a building, coop or runway in which rabbits, guinea pigs or fowl are kept shall be less than thirty (30) feet from the doors or windows of any building occupied by human beings, whether for dwelling or business purposes. In addition, no animals shall be kept less than one hundred (100) yards from any outside, temporary food stands.

1159.12 CERTAIN ANIMALS OR FOWL KEPT FOR SALE.

Where rabbits, guinea pigs, pigeons, turkeys, chickens, ducks or other feathered animals are sold or offered for sale, all coops, pens or stables must be kept in a sanitary condition. All refuse or anything foul or obnoxious must be removed at least twice a week, and all coops, pens or stables must be thoroughly disinfected at least once every week and more often if the Bureau of Health so requires.

1159.13 PERMIT FOR CERTAIN ANIMALS OR FOWL REQUIRED.

No person shall be permitted to keep or maintain any pigeons, turkeys, chickens, ducks, geese or other feathered animals within the City without having first applied for and obtained a written permit from the Bureau of Health. All permits must be renewed annually.

1159.14 PETTING ZOOS

Any animal exhibitor who will be operating a petting zoo at any event within the City must notify, in writing, the Bureau of Health no less than five (5) days before the event. This written notification must consist of the date, time, and location of the petting zoo, the number and species of animals that will be present, proof of insurance and proof of a USDA license, where applicable.

In addition, the petting zoo must comply with the following requirements:

- (a) A minimum of two (2), hand washing stations must be visible, easily accessible and operating at all times the zoo is open to the public.
- (b) A fence barrier must be constructed so as to prevent the public's direct contact with the animals. This barrier must be sanitized three (3) times daily (prior to opening, midway through the event and upon closing). The operator may be required to sanitize the fence barrier

more often when determined to be necessary by the Health Bureau.

- (c) The operator of the petting zoo must have appropriate informational and educational materials available to the public. Such materials shall inform the participants of the petting zoo of the dangers associated with lack of hand washing after contact with animals. This information should consist of, at a minimum, signs and brochures.
- (d) Animal containment areas must be covered with straw or an approved, equally absorbent material. The area must be completely raked and sanitized nightly. The operator may be required to rake and sanitize the containment area more often when determined to be necessary by the Health Bureau.

1159.15 FEES.

The applicant for any permit hereunder shall, at the time of his/her application, pay to the City of Bethlehem the following fees:

A. Animal shelters and all other permit applicants other than permits under Section 1159.04: twenty-five dollars (\$25.00) for the first calendar year or part thereof, renewable thereafter for a like fee of twenty-five dollars (\$25.00) each calendar year or part thereof.

B. Applications for permits and applications for renewals of permits under Section 1159.04: twenty-five dollars (\$25.00) for each permit.

1159.16 PENALTY

Any person who violates any provision of this Article shall be subject to the following penalties:

- (a) First violation - A fine of \$100.00, or thirty days imprisonment, or both;

(b) Second violation - A fine of \$250.00, or sixty days imprisonment, or both;

(c) Third violation - A fine of \$500.00, or ninety days imprisonment, or both;

(d) Fourth and each subsequent violation – A fine of \$1,000.00, or ninety days imprisonment, or both.

(e) Each day's failure to comply with any provision of this Article shall constitute a separate violation.

1159.17 ADDITIONAL ENFORCEMENT REMEDIES.

In addition, the Officer may institute in the name of the City of Bethlehem any appropriate action or proceeding, whether by legal process or otherwise, to restrain, correct or abate a continuing violation of any provision of this chapter or any rules and regulations made pursuant hereto.

1159.18 SEVERABILITY.

If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.”

(Ord. 3038 -Passed 10/22/85; Ord. 3242 - Passed 2/7/89; Ord. 4151 – Passed 11/6/2002)